

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LYLE B. SHELTON,)
Petitioner)
v.) No. 3:05-cv-186
CARLYLE HOLDER, WARDEN,)
Respondent)

MEMORANDUM AND ORDER

The petitioner has filed a motion to direct the Bureau of Prisons (BOP) to properly compute jail time, which is being treated as a motion for writ of habeas corpus pursuant to 22 U.S.C. § 2241 [see Doc. 1]. Since it does not plainly appear from the face of the motion that it should be summarily dismissed, the United States Attorney is hereby ORDERED to file an answer or other pleading to the motion within thirty (30) days from entry of this order.

To assist the government in fashioning a response, the court would make the following observations. First, the court is aware that once a defendant begins serving his sentence, a prisoner may seek administrative review of his

request for credit by the BOP. See 28 C.F.R. §§ 542.10 - 542.16 (2005). Furthermore, after exhausting his administrative remedies, the defendant may then request judicial review pursuant to 28 U.S.C. § 2241. See *United States v. Wilson*, 503 U.S. 329 (1992); see also *McClain v. Bureau of Prisons*, 9 F.3d 503, 505 (6th Cir. 1993). Here, the record does not indicate whether the defendant has exhausted his administrative review through the BOP; if he has, the court is concerned, based on the current record, that the defendant may not have received the appropriate credit for approximately 14 months of his sentence.

E N T E R :

s/ James H. Jarvis

UNITED STATES DISTRICT JUDGE